THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION Nos. 8528 & 8529 OF 2006

Dated 1st May, 2007

Between:

The Viswabharti Education Society,
Hanamakonda, Warangal, represented
By its Secretary-cum-Correspondent,
Dr. Ch.V.Purushotham Reddy.

…Petitioner

And

State of Andhra Pradesh, represented by its
Principal Secretary, Higher Education Department,
Secretariat, Hyderabad and others.

…Respondents.

COMMON ORDER:

As common questions of law and facts arise for consideration, both these writ petitions are heard together and are disposed of by this common order.

The petitioner is an education society and is the same in both the writ petitions. It filed these writ petitions seeking a writ of mandamus to declare the action of the fourth respondent – University Grants Commission in declining to shortlist the two colleges, namely, Chaitanya Degree College, Kishanpura, Hanamkonda, Warangal and Chaitanya Post Graduate College, Warangal, run by the petitioner-society for conferring autonomous status as illegal and arbitrary and seeking directions to consider the applications of the two colleges for grant of autonomous status, fix accountability and responsibility for the actions of the respondents 5, 6 and 7 and to compensate the petitioner by awarding exemplary costs.

Few facts necessary for the disposal of these cases are as follows:

The petitioner-society established a Degree College and a Post Graduate College at Hanamkonda in Warangal District. These colleges are called as Chaitanya Degree College and Chaitanya Post Graduate College. The degree college was established in the year 1991 and the post-graduate college was established in the year 1993. It is stated that the student strength in the degree college is about 2000 and is having teaching faculty numbering about 63. It is also stated that out of the 63 faculty members, 22 are regular teachers. Similarly in the post-graduate college, the student strength is about 500 and is

having faculty of 34 teaching members, out of whom, 17 are permanent staff. It is the case of the petitioners that both the colleges are having permanent affiliation from the second respondent – Kakatiya University and have introduced many courses on innovative basis like, Computer Science, Micro-biology, Biochemistry, Bio-technology, Electronics, B.P.M. etc.

The University Grants Commission vide its letter dated 20.10.2005 informed the Registrars of the Universities as well as the State Council of Higher Education regarding the proposal of U.G.C. to increase the number of autonomous colleges and the Universities were also requested to bring to the notice of the colleges within their jurisdiction. It was further specified in the said letter that colleges were required to send the said proposals in the prescribed format on or before 30.11.2005. Proposals were sent for grant of autonomous status to the petitioner's colleges, namely, Chaitnya Post Graduate College, Kishanpura, Hanamkonda, Warangal and Chaitnaya Degree College, Kishanpura, Hanamkonda, Warangal, on 21.11.2005. In addition to the said proposals sent to the University Grants Commission, a proposal which was forwarded to the Government was also sent by the Additional Secretary to the Government with a request to examine the said proposals and take necessary action.

In the X Plan Guidelines on the Scheme of autonomous colleges, it is stated that highlighting the importance of autonomous colleges, the UGC document on the X Plan Profile stated that the only safe and better way to improve the quality of undergraduate education is to delink most of the colleges from the affiliating structures. The colleges with academic and operative freedom are doing better and have more credibility. The financial support to such colleges boosts the concept of autonomy. It is proposed to increase the number of autonomous colleges to spread the culture of autonomy and the target

is to make 10% of eligible colleges autonomous by the end of the Plan. In order to confer autonomous status to the colleges, guidelines on the scheme of autonomous colleges were framed by the University Grants Commission in its Xth Plan and clause-3 of the said guidelines deals with the eligibility target groups specifying that all the colleges under Section 2(f) & 12(B) of the University Grants Commission Act, 1956 are eligible. Further, the aforesaid clause-3 of the guidelines also provides the criteria for identification of institutions for grant of autonomy, which is as under:

" The following facts are considered for granting autonomous status to a college:

(a) Academic reputation and previous performance in university examinations and its academic/co-curricula/extension activities in the past.

(b) Academic/extension achievements of the faculty.

(c) Quality and merit in the selection of students and teachers, subject to statutory requirements in this regard.

(d) Adequacy of infrastructure, for example, library, equipment, accommodation for academic activities etc.

(e) Quality of institutional management.

(f) Financial resources provided by the management/State Government for the development of the Institution.

(g) Responsiveness of administrative structure.

(h) Motivation and involvement of faculty in the promotion of innovative reforms."

As per clause 5 of the guidelines, the U.G.C. will advertise and call for proposals from eligible colleges seeking autonomous status. The individual university can also send circulars asking the colleges to apply. As per the procedure for approval by the University Grants Commission, the approval for the grant of autonomous status will be

done in two stages. At stage –I, screening committee will be constituted by the U.G.C. The composition of the committee is as follows:

(a) Three to five experts nominated by the UGC (one of the expert will be nominated as convener).

(b) Secretary of Higher Education or his/her nominee.

(c) Chairman, State Council for Higher Education or his/her nominee.

(d) Director of Collegiate Education or his/her nominee.

(e) Vice-Chancellor or his/her nominee.

(f) Joint Secretary (Autonomous Colleges), Member Secretary.

The Convener will chair the Committee. The cases of shortlisted colleges shall be sent to the State Government for approval, wherever required. If no response is received from the State Government within a period of six weeks, it will be assumed that it has no objection to the proposal. At stage-II, short-listed colleges will be visited by another expert committee constituted by the University Grants Commission. This committee will submit its report with its findings and recommendation to the University Grants Commission. Thereafter, the U.G.C. will send its recommendation to the University concerned for conferment of autonomy and the autonomy will be conferred initially for a period of six years.

In the instant cases, the Screening Committee, which is constituted as per the scheme notified by the University Grants Commission in its meeting held on 31.3.2006 considered the proposals of the Chaitanya Degree College and Chaitanya Post Graduate College for did not recommend for conferment of autonomous status to them and the same is communicated by the University Grants Commission vide its proceedings dated 13.4.2006.

In the communications which are sent to the principals of the colleges, it is stated that the colleges could not be shortlisted by the Screening Committee because of the following observations given by the State Government/affiliating University (Kakatiya University) representatives:

Sl.No.	Name of the representative	Observation
1	Dr.M.D.Christopher, Secretary, Andhra Pradesh State Council of Higher Education, Hyderabad.	Not recommended for want of permanent faculty.
2.	Dr.M.A.Quddur, Additional Secretary, Govt. of A.P. Department of Higher Education, J- Block-4th Floor, A.P.Secretariat, Hyderabad – 500 022.	Not recommended due to non-availability of permanent staff as stated by Dean, College Development Council, Kakatiya University.
3.	Prof. T.Bhaskar Rao, Dean, College Development Council, Kakatiya University, Warangal.	Previous recommendation of 18-2-1999 by the University stands withdrawn. Hence not recommended due to non-availability of permanent staff as required.

These writ petitions are filed questioning the decision taken by the Screening Committee constituted by the University Grants Commission in not short-listing the petitioner's colleges for grant of autonomous status, on several grounds. Primarily, it is the case of the petitioner that both colleges of the petitioner-society were established colleges having very good reputation in academic circle. It is stated that both the colleges were notified under Section 2(f) and 12(B) of the University Grants Commission Act, 1956. It is the case of the petitioners that both the colleges are having permanent affiliation from the university and even for the new courses which were started by the petitioner's colleges, after making necessary inspection and verifications, temporary affiliations were granted. It is further stated that during the year 1999, the University itself had recommended for grant of autonomous status to the colleges of the petitioner. But, however, their applications were not considered by the University Grants

Commission based only on the observations made by the three nominees i.e. respondents 5, 6 and 8 and the same were rejected. It is the case of the petitioner that it furnished the complete data as was solicited in the application format made available by the U.G.C. and at the very threshold, it is not open for the Screening Committee to reject autonomous status on the ground mentioned in the impugned letters. Further, it is submitted that in any event, both the colleges of the petitioner are having required strength of permanent lecturers and in that view of the matter, it was not open for the State Council of Higher Education and also the University to make an endorsement regarding the permanent staff in the petitioner's colleges. It is submitted that though the Screening Committee consisted of various members, but, however, the Committee as constituted did not consider the proposals with reference to material and information furnished in the applications and they are rejected only based on the observations of the three members and as such, it cannot be treated as decision of the Committee for the said purpose. There was also no authorization for the 7th respondent to withdraw the previous recommendation made by the University on 18.2.1999, and, at any rate, no notice has ever been issued to the petitioner proposing to recall the earlier recommendation to the U.G.C. for conferment of autonomous status. Even with regard to the staff, the University has been a party to the Selection Committees and accorded its approval to all the selections, and, it is well aware about the number of members of staff working in the petitioner's colleges. Moreover, permanent affiliation was granted only after satisfying that all the infrastructure and staff are provided in the colleges.

Counter affidavit and additional counter affidavit have been filed by the University Grants Commission and while giving the details of the scheme for grant of autonomous status and the proposals

submitted for the colleges of the petitioner, it is stated that the Screening Committee considered the proposals of Chaitanya Degree College as well as Chaitanya Post Graduate College, affiliated to Kakatiya University and ultimately did not recommend conferment of autonomous status to them. It is stated that as is evident from the proceedings dated 31.3.2006, so far as the State Council's concurrence is concerned, the Secretary, Andhra Pradesh State Council of Higher Education, who was one of the members of the Screening Committee did not recommend the name of both the colleges of the petitioner for want of permanent faculty. Further with regard to the concurrence of the State Government, the Additional Secretary (who was representing the Principal Secretary, Government of Andhra Pradesh) also did not recommend due to non-availability of permanent staff and whereas the Dean, College Development Council has endorsed categorically in the meeting that the previous recommendation of 18.2.1999 stands withdrawn, hence, not recommended due to non-availability of permanent staff as required.

In the additional counter affidavit, it is stated that in view of the large number of proposals received in the University Grants Commission regarding conferment of autonomous status on 23.2.2006, The Chairman, University Grants Commission nominated 7 members apart from three representatives, namely, Secretary, A.P. State Council of Higher Education, Hyderabad, Additional Secretary, Government of A.P. and Dean, College Development Council. It is clearly stated in paragraph 4 of the additional counter affidavit that the aforesaid three representatives of the Screening Committee did not recommend conferment of autonomous status to the petitioner's colleges and other members have endorsed the views of the said three representatives.

Separate counter affidavits are filed on behalf of the University and the Government.

In the affidavit filed on behalf of the Kakatiya University, it is stated that permanent affiliation was granted to the Chaitanya Degree College in 1997 based on the assessment of the infrastructure and the courses offered from 1991 to 1997, but the college dropped three approved courses and added new courses which were not extended the permanent affiliation. The faculty strength of the degree college is 63, out of which, 22 are permanent and remaining 41 teachers are only temporary. The minimum number of teachers required for teaching the optional subjects is 78. The student strength of the P.G. courses is stated to be 500 and teaching staff is shown only as 34. The names of teachers submitted by the society for conferment of autonomous status are common in the application of Chaitanya Degree College and also Chaitanya Post Graduate College. The said society has given wrong information to the University, A.P.State Council of Higher Education, the UGC. The total requirement of the degree college is 78 full time teachers and for the Post Graduate college it is 39. Further, the number of the supporting staff is also very much less than the required. It is stated that few students securing the highest marks in the examinations did not manifest that standard of teaching in the college is best. The National Policy on Education announced for the period 1986-92 has formulated certain objectives for autonomous colleges and to meet the said objectives, the identified colleges should have required manpower and expertise. In the applications, no proof of the expertise is furnished. The recommendation for conferment of autonomous status in 1999 cannot be considered as valid in 2006. The University based on the then existing norms, guidelines, requirements and number of courses offered has recommended favourably. The same cannot be quoted as a reason or cannot take

shelter under the fact that it has not recalled its earlier recommendation. The UGC and the Government have been motivating the universities and colleges to get accredited by the National Academic Accreditation Council. Such colleges which satisfy the standards set in by the NAAC and gets accredited with A or B++ grades are expected to have required standards to be conferred with the Autonomous status. The two colleges of the petitioner are not yet accredited by the NAAC. The application of the petitioner for grant of autonomous status to its colleges also did not fulfill all the requirements of the University Grants Commission 101 Plan guidelines on the Schemes of Autonomous Colleges.

The counter affidavit filed by the Government is also in line with the counter affidavit filed by the University and contains the same assertions.

Heard the learned counsel for parties.

It is submitted by Shri E.Manohar, learned Senior Counsel appearing for the petitioner that the Screening Committee as constituted under the Scheme for grant of autonomous status to the colleges has not considered the proposals of the petitioner for grant of autonomous status to its colleges with reference to the material on record and the information furnished, but, it is merely swayed away by the observations of the Secretary, State Council for Higher Education, Dean, College Development Council, Kakatiya University and the Additional Secretary, Government of A.P. That apart, it is not open for the Screening Committee to reject the proposals at this stage on the ground of want of permanent staff.

On the other hand, it is submitted by Shri Deepak Bhattacharjee, learned counsel appearing for the respondents that autonomous status will be granted to the colleges by the university based on the decision

taken by the University Grants Commission. As much as it was endorsed by the Secretary, A.P. State Council for Higher Education, Additional Secretary to Government and the Dean, College Development Council that there was no required strength in the colleges run by the petitioner-society, grant of autonomous status was not recommended by the University Grants Commission. It is further submitted that in view of the dropping of several approved courses from the date of grant of permanent affiliation by the university, the previous recommendation of the University for grant of autonomous status was also withdrawn.

As per Xth plan guidelines on the scheme of autonomous colleges, the very scheme is introduced, as it was found that the better way to improve the quality of under gradutate education is to delink most of the colleges from the affiliating structure. Further, it was noticed that colleges with academic and operative freedom are doing better and have more credibility. Comprehensive guidelines were issued with regard to eligibility target groups and also the criteria for identification of the institutions. As per the eligibility target groups and also the criteria for identification of the institutions, the colleges should be included under the category of Section 2(f) and 12(B) of the UGC Act and in the case on hand, it is not in dispute that both the colleges are included in the above said category. So far as the procedural aspects as notified in the scheme are concerned, a Screening Committee is constituted by the UGC itself, which consists of experts nominated by the UGC apart from representatives of A.P. State Council of Higher Education, Secretary of Higher Education, Director of Collegiate Education, Vice-Chancellor, Joint Secretary, (Autonomous Colleges). The convener will chair the committee and the cases of shortlisted colleges shall be sent to the State Government for approval. Based on the response, stage-II process will begin and

committee will be constituted for making inspections etc. But, however, in this case, it is not in dispute, as admitted by the University Grants Commission in their additional counter affidavit that in view of the large number of applications, the Chairman, University Grants Commission has nominated certain members numbering about 7 apart from the representatives, namely, Secretary, A.P. Stage Council for Higher Education, the nominee of the State Government and Dean, College Development Council of Kakatiya University, as members of the Committee. The above three representatives have not recommended for want of permanent faculty and in addition, the Dean, College Development Council stated that previous recommendation of 18.2.1999 by the University stands withdrawn. Though it is submitted by the learned counsel for respondents that as much as the colleges run by the petitioner-society are not having required number of regular teachers, but the said aspect, as it appears from the record placed before this court, is not at all considered by the Screening Committee as a whole under the scheme for grant of autonomous status to the colleges with reference to the material placed by the petitioner. As clearly stated in the additional counter affidavit filed by the University Grants Commission, respondents 5, 6 and 7 have endorsed their views and other members have accepted the said views without reference to material particulars furnished in the prescribed formats. It is the specific case of the petitioner that all the information is furnished and the petitioner fulfilled the criteria laid down for grant of autonomous status. The Screening Committee was simply swayed away by the observations of the three representatives, and, in fact, there was no appraisal by the Committee itself of the proposals of the petitioner on the strength of material furnished by it. Though it is further stated that there was no accreditation from the NAAC, which is required for grant of autonomous status, but, subsequently, during the

pendency of the writ petition even the said accreditation was granted for five years with B++ Grade. In addition to that, it is the case of the petitioner that only after satisfying itself as to the infrastructure and other facilities extended by the petitioner's colleges, the University had granted permanent affiliation to the petitioner's colleges and even temporary affiliation was granted in respect of some newly introduced courses. Further, having recommended for grant of autonomous status in the year 1999, no reason has been shown for withdrawal of the said recommendation unilaterally by the Dean, College Development Council in the meeting of the U.G.C. held for grant of autonomous status. Moreover, the staff alone is not the only factor for consideration and there are several other factors to be considered, which the petitioner emphatically states that it fulfilled all the requirements stipulated for grant of autonomous status.

For the reasons stated supra, the matters requires to be considered afresh by the University Grants Commission, and, therefore, the decision of the University Grants Commission in not shortlisting the colleges of the petitioner is set aside and the matter is remanded back for fresh consideration.

As far as the reliefs of fixation of accountability and award of damages are concerned, since the steps taken by respondents 6, 7 and 8 are not with any mala fide intention and they expressed their views as representatives of the Committee, I do not find any ground to grant such reliefs.

The writ petitions are allowed to the extent indicated above. No costs.

1--5—2007 **R.SUBHASH REDDY, J.**

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